IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1520 OF 2001

WITH

WRIT PETITION NO.2957 OF 2001

W.P.NO.1520/2001:

Hindustan Lever Employees' Union. ...Petitioner.

Vs.

Hindustan Lever Ltd. & Ors. ...Respondents.

.....

Mrs.Meena Doshi for the Petitioner.

Mr.P.K.Rele, Senior Advocate with Mr.Piyush Shah for Respondent No.1.

.....

W.P.NO.2957/2001 :

Hindustan Lever Ltd. ...Petitioner.

Vs.

Hindustan Lever Employees' Union and Anr. ...Respondents

.....

Mr.P.K.Rele, Senior Advocate with Mr.Piyush Shah for the Petitioner.

Mrs.Meena Doshi for Respondent No.1.

Mr.L.T.Satelkar, AGP for Respondent No.2.

CORAM : DR.D.Y.CHANDRACHUD, J.

March 9, 2005.

P.C. :

At the hearing of these petitions, the following order is passed on the request of Learned Counsel appearing on behalf of the management and for the workmen by consent :

(1) The management agrees not to press the order of transfer with regard to the workman, Mr.Sanjay Patil. In the event that any wages have remained to be paid to the workman on account of his not having been given work at Daman, due to the order of transfer, the workman would be entitled to the payment of wages for the said period;

(2) The management states that since two workmen namely, Chetan Kumar Tandel and Sunil Shirke have since resigned from service and have ceased to be in service of the Company, the transfer orders which were passed in so far as these two workmen are concerned, do not survive;

(3) On behalf of the Union, a statement has been made by Learned Counsel that the Union does not press for the withdrawal of the order of transfer in regard to the workman, Sunil Tanavade;

(4) The Union would be at liberty to raise an industrial dispute with regard to the resignation of Chetan Kumar Tandel and Sunil Shirke at Daman. In the event that such a dispute is raised, it is agreed that no objection on the ground of delay shall be raised;

(5) Upon an industrial dispute being raised, all the rights and contentions of the respective parties shall be kept open therein;

(6) The disposal of these petitions shall not be construed as amounting to any observation by this Court on the correctness of the determination made by the impugned order either in regard to jurisdiction or on the merits of the respective complaints.

Both the petitions are accordingly disposed of since no other point has been pressed in view of the terms of the aforesaid agreement between parites.

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